

REMARKS

Claims 49-52, 55, 57, 59-61, 67 and 69-100 remain in this application.

Claims 1-48, 53, 54, 56, 58 62-66 and 68 have been canceled.

In this amendment claims 49-52, 55, 57 and 59-61 have been amended. Claim 67 was previously presented and new claims 69-100 have been added.

In the Office Action dated September 1, 2005, all claims were rejected under §102, §103 and/or §112. The §112 rejections were primarily based upon the Examiner's opinion that the limitation "outer margin" was indefinite. The claims rejected under §112 have been canceled. The Examiner's §102 and §103 rejections were based upon prior art patents to Taggart, U.S. Patent No. 6,341,423 and/or Rivera, U.S. Patent No. Des. 405,676.

Rivera discloses a single central channel having a pair of opposed walls joined by a floor. Applicant asserts that Rivera does not disclose an external flange. As may be seen in other views of the Rivera handle (FIGS. 2, 7 and 8), the sheet material near the top of the channel walls is rolled over 180 degrees to form outer walls that are substantially parallel to the channel walls. These outer walls define pockets on either side of the central channel. Thus, Rivera has no external flanges, and therefore no integral leaf springs in an external flange. Applicant points out that the channel walls of Rivera include integral leaf springs as disclosed in U.S. Patent No. 6,014,787 for locking blades into extended position. These springs are created by a pair of cuts,

the channel, and the other partially in the channel sidewall and partially in the channel floor. See FIGS. 1, 10 and 16 of the '787 patent which show blade locking members 108 cut into the channel walls.

Taggart discloses an integral handle having two channels 190 and 192. An integral leaf spring is created in one of the channel floors by a pair of elongate cuts in the channel floor. The Examiner notes that it would be obvious to put an integral leaf spring in the floor of the other channel.

Applicant perceives that the Examiner is equating the channel floor of Taggart with an "external flange." Applicant disagrees with this interpretation. In the application, whenever applicant used the term "flange" to refer to a channel floor, applicant uses the term "internal flange." The term "external flange" is used to refer to a flange that is "external" to the channel. (See pages 7-9 of the application which show use of "internal" flange and "external" flange to refer to different portions of the frame member of the exemplary embodiments.) The word "external" is a limitation that has a specific meaning regarding the flange's location with respect to the channel and cannot be disregarded. Claim limitations defining the subject matter of the invention are never disregarded. *Exxon Chemical Patents, Inc., et. al. v. Lutrizol Corporation*, 64 F.3d 1553, 57, 35 U.S.P.Q.2nd 1801 (Fed. Cir. 1995) quoting from *In Re Sabatino*, 480 F.2d 911, 913, 178 U.S.P.Q. 357, 358 (CCPA 9173). Thus, in applicant's view, all claims presented herein that refer to an "external" flange distinguish over Taggart.

In addition to this distinguishing limitation, the claims presented herein also distinguish over the prior art as follows:

Claim 61 further distinguishes over Taggart because it includes the limitation of a “single” channel. As with the limitation “external” discussed above with respect to “external,” the limitation “single” cannot be disregarded. Claim 61 distinguishes over Rivera because it includes a limitation that the first external flange that includes the integral leaf spring is substantially perpendicular to the channel wall. Applicant asserts that Rivera does not have an external flange, and certainly not an external flange that is perpendicular to the channel wall. The integral leaf springs in Rivera are located in the channel sidewalls.

Claim 69 adds the limitation that the external flange defines a plane and the leaf spring lies substantially within the plane.

Claim 70 adds the limitation that the external flange defines an elongate edge of the frame member. In Taggart, channel walls define both elongate edges of the frame member. In Rivera, the outer walls define both elongate edges of the frame member.

Claim 71 adds the limitation that the leaf spring in the external flange is created by a single cut in the material of the frame member. In Taggart the leaf spring is created by two cuts. As previously noted, Rivera has no external flange as described in claim 61 and the leaf springs in the channel walls are created by two cuts.

Claim 72 adds the limitation that the single cut is in the channel wall. In Taggart, both cuts are in the channel floor. In Rivera, one cut is in the channel wall, and the other cut is in the wall and the channel floor.

Claim 75 adds the limitation that the external flange is free of additional structure which would form a second channel that is integral with the “single” channel. The channel floor of Taggart (which the Examiner is equating to the external flange) is integral with a further wall structure that forms a second channel 190 in addition to channel 192.

Claim 76 also includes a limitation that the external flange defines an elongate edge of the frame member. See comments above with regard to claim 70.

Claim 77 adds the limitation that the external flange is not integrally joined with a channel wall other than the first channel wall. This limitation further distinguishes the invention of claim 77 over Taggart.

Claim 78 further distinguishes over Taggart and Rivera in that neither have a tool pocket that is defined by (1) a channel wall; (2) an “external” flange that is integral with the channel wall; and (3) a side scale that is not integral with the channel wall and the external flange.

Claim 81 again adds the limitation that the integral leaf spring is created by a single cut.

Claim 82 again adds the limitation that the cut is in the channel sidewall.

Claim 88 further distinguishes over Taggart in that it calls for an external flange that does not serve as the floor of a channel integral with the single channel. This limitation distinguishes over Taggart even if the Examiner equates an “external” flange with a channel floor.

The limitations that the external flange defines a plane substantially perpendicular to the channel wall and including an integral leaf spring further distinguishes over Rivera.

Claim 89 further distinguishes over Taggart by including the limitation that the external flange is free of structure that would form an additional channel integral with the single channel. Claim 89 further distinguishes over Rivera by including the limitation that the external flange defines a plane that is not substantially parallel to the first sidewall. This limitation eliminates the possibility that the external flange of claim 89 will be equated with the outer wall of Rivera since Rivera's outer wall is parallel to the channel wall.

Claim 90 again adds the limitation that the integral leaf spring is created by a single cut. See discussion of claim 71.

Claim 91 again adds the limitation that the cut is in the channel wall. See discussion of claim 72.

Claim 94, although presented differently than claim 88, distinguishes over Taggart and Rivera for the reasons given in the discussion of claim 88.

Claim 95 also requires that the external flange define an elongate edge of the frame member. See discussion of claim 70.

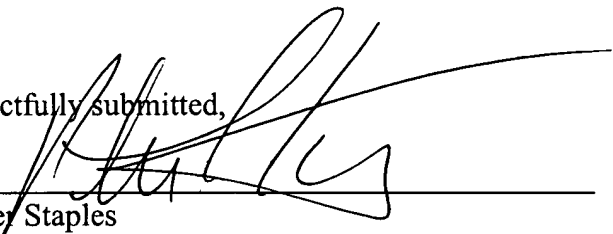
Claim 96 further distinguishes over the prior art for the reasons give in the discussion of claims 71 and 72.

Claim 99 further distinguishes over Taggart in that it is limited to a single channel, includes an external flange and has a single cut in the channel wall to create the leaf spring. Taggart discloses two channels, does not have an external flange as that term is explained in the written description and uses a pair of cuts in a channel floor to create a leaf spring. Rivera does not have an external flange and the leaf spring is in the channel wall.

In some instances, applicant has used negative limitations. Such limitations are expressly permitted by MPEP 2173.05(i). As explained in *Ex Parte Parks*, 30 U.S.P.Q.2d 1234, 1236 (Board of Patent Appeals and Interferences, 1994), the ultimate requirement is that the originally-filed disclosure convey to one of ordinary skill in the art that applicant had possession of the concept of what is claimed.

In view of the amendments and Remarks above, applicant respectfully requests that the claims be allowed.

Respectfully submitted,



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